

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

LEROY WILLIAMS,

Plaintiff,

v.

**STATE OF ALABAMA DEPT. OF
TRANSPORTATION, et. al.**

Defendant.

*
*
*
*
*
*
*
*

**Civil Action No.:
2:06-cv-658-ID**

UNOPPOSED MOTION FOR EXTENSION

Comes now the plaintiff and moves this honorable court for an unopposed seven (7) day extension of time to file his response to the defendant's summary judgment motion. In support of this motion, plaintiff states as follows:

1) As the Court is aware, Plaintiff previously received an extension in this case to take the depositions of Tommy Lewis and Don Arkle, the decision makers in this case.¹ The first available date to depose Lewis and Arkle was May 14 and May 15, 2007 and those depositions were then taken. The court reporter company was instructed that these transcripts were a rush job which had to be to counsel no later than Friday, May 18, 2007 as plaintiffs' response was due on May 23, 2007. The company assured counsel for plaintiff that this would not be a problem.

¹Plaintiff had noticed the depositions for an earlier date and the defendants moved to quash the deposition notice. That motion was denied by the Magistrate. Counsel then reached an agreement to extend the summary judgment schedule which this Court granted.

2) On May 18, 2007, counsel did not receive the transcripts and began trying to contact the court reporter. Counsel was not able to speak with the court reporter until after 5:00 p.m. on May 21, 2007, at that time, it was learned that the court reporter company did not convey the rush nature of the depositions to the court reporter. The court reporter has informed counsel for plaintiffs that the transcripts of Lewis and Arkle cannot be available until May 23, 2007 -- the day plaintiff's summary judgment response is due.

3) Counsel for the defendants do not oppose this extension request.

Wherefore, premises considered, plaintiff respectfully requests that this Court extend the due date for his summary judgment response by seven (7) days or such other extension as the Court should allow.

Respectfully submitted,

Russell W. Adams
Counsel for Plaintiff

OF COUNSEL:

WIGGINS, CHILDS, QUINN & PANTAZIS, LLC
301 19th Street North
Birmingham, Alabama 35203
(205) 314-0500

CERTIFICATE OF SERVICE

I hereby certify that on this the 22nd day of May, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jim R. Ippolito
Andrew Redd
Alabama Department of Transportation
1409 Coliseum Boulevard
Montgomery, Alabama 36110

s/ Russell W. Adams
OF COUNSEL

